

1
2
3
4
5
6
7 The Honorable James L. Robart
8
9
10
11
12
13
14

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Wilman GONZALEZ ROSARIO, et al.,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, et al.,

Defendants.

Case No. 2:15-cv-00813-JLR

**STIPULATED MOTION TO
MODIFY ORDER APPOINTING
CLASS COUNSEL AND
ORDER**

Noted for consideration on: 7/7/2020

On July 28, 2017, the Court appointed Christopher Strawn of the Northwest Immigrant Rights Project, Melissa Crow of the American Immigration Council, Devin Theriot-Orr of Sunbird Law PLLC, and Marc Van Der Hout of Van Der Hout, Brigaglano & Nightingale, LLP, as class counsel in the above-captioned action. Dkt. 97. On June 29, 2020, Matt Adams of the Northwest Immigrant Rights Project entered an appearance on behalf of plaintiffs. Dkt. 157. Mr. Adams's appearance was prompted by Mr. Strawn's impending withdrawal as class counsel. Mr. Strawn subsequently filed a Notice of Withdrawal of Counsel on July 1, 2020. Dkt. 158.

Pursuant to Federal Rules of Civil Procedure 23(a) and 23(g), and this Court's Order of July 18, 2017, Dkt. No. 95 at 24-25, the parties to the above-referenced action, by and through

22
23
24
STIP. MOT. AND ORDER
APPOINTING CLASS COUNSEL - 1
Case No. 2:15-cv-00813-JLR

1 their undersigned counsel of record, now hereby STIPULATE, AGREE, and JOINTLY
2 REQUEST that the Court substitute Mr. Adams for Mr. Strawn as class counsel. As set forth in
3 the accompanying declaration of Mr. Adams, he is qualified to represent the class. *See Exhibit A*
4 (Declaration of Matt Adams In Support of Stipulation Regarding Substitution of Class Counsel).
5 The parties hereby stipulate, agree, and request that this Court appoint Mr. Adams as class
6 counsel and substitute his appointment for that of Christopher Strawn, who has withdrawn from
7 this case.

8 Respectfully submitted this 7th day of July, 2020.

9 s/ Devin Theriot-Orr
10 Devin Theriot-Orr, WSBA 33995
Sunbird Law, PLLC
11 1001 4th Avenue, Suite 3200
Seattle, WA 98154
(206) 962-5052

12 s/ Marc Van Der Hout
13 Marc Van Der Hout (*pro hac vice*)
Van Der Hout, Brigaglano & Nightingale, LLP
14 180 Sutter Street, Suite 500
San Francisco, CA 94104
(415) 981-3000

16 *Attorneys for Plaintiffs and Class Members*

17 s/ Emma Winger
18 Emma Winger (*pro hac vice*)
American Immigration Council
19 100 Summer Street, 23rd Floor
Boston, MA 02110
(857) 305-3600

20 s/ Matt Adams
21 Matt Adams
Northwest Immigrant Rights Project
22 615 Second Avenue, Suite 400
Seattle, WA 98104
(206) 957-8611
(206) 587-4025 (fax)
matt@nwirp.org

24 STIP. MOT. AND ORDER
APPOINTING CLASS COUNSEL - 2
Case No. 2:15-cv-00813-JLR

1 *Attorneys for Plaintiffs*

2 JOSEPH H. HUNT
3 Assistant Attorney General

4 WILLIAM C. PEACHEY
5 Director

6 JEFFREY S. ROBINS
7 Deputy Director

8 By: s/ Aaron S. Goldsmith
9 Aaron S. Goldsmith
10 Senior Litigation Counsel
11 United States Department of Justice
12 Civil Division
13 Office of Immigration Litigation
14 District Court Section
15 Washington, D.C. 20044
16 Tel.: (202) 532-4107
17 Email: aaron.goldsmith@usdoj.gov

18 *Attorneys for Defendants*

1
2
3
4
5
6
7 The Honorable James L. Robart
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Wilman GONZALEZ ROSARIO, et al.,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, *et al.*,

Defendants.

Case No. 2:15-cv-00813-JLR

**ORDER MODIFYING ORDER
APPOINTING CLASS COUNSEL**

Upon consideration of Parties' Stipulated Motion to Modify Order Appointing Class Counsel, and the attached Declaration of Matt Adams in support of that motion, previously filed documents in support of the Motion for Class Certification, and pursuant to Rules 23(a) and 23(g) of the Federal Rules of Civil Procedure, the Court hereby appoints Matt Adams of the Northwest Immigrant Rights Project, 615 Second Avenue, Suite 400, Seattle, WA 98104, as class counsel and substitute his appointment for that of Christopher Strawn, who has withdrawn from this case.

//

//

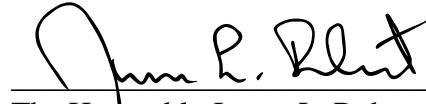
//

STIP. MOT. AND ORDER
APPOINTING CLASS COUNSEL - 1
Case No. 2:15-cv-00813-JLR

1 It is so ORDERED.

2 The Clerk is directed to send copies of this Order to all counsel of record.

3 Dated this 13th day of July, 2020.

4 
5 _____
6 The Honorable James L. Robart
United States District Judge

1
2
3
4
5
6
7 The Honorable James L. Robart
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Wilman GONZALEZ ROSARIO, et al.,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, *et al.*,

Defendants.

Case No. 2:15-cv-00813-JLR

**DECLARATION OF MATT ADAMS
IN SUPPORT OF STIPULATION
REGARDING SUBSTITUTION OF
CLASS COUNSEL**

I, Matt Adams, hereby declare:

1) I am an attorney at law, admitted in the State of Washington and currently employed by Northwest Immigrant Rights Project (NWIRP) as the Legal Director. I entered my appearance as counsel of record for Plaintiffs in this case.

2) I have been working as an immigration attorney at NWIRP for the last 21 years. From June of 1998 to July of 2005, I worked at NWIRP's Eastern Washington office, in Granger, Washington, first as a Staff Attorney and later as the Directing Attorney of that office. In July of 2006, I assumed my current position as Legal Director of NWIRP. In this role, I am responsible for supervising all federal litigation by NWIRP on behalf of clients before the federal district courts, the Court of Appeals and the Supreme Court.

1 3) I have extensive experience on cases focusing on immigration law and immigrant
2 rights. During the last 21 years, I have litigated hundreds of cases and personally argued on
3 behalf of immigrants before Immigration Judges, the Board of Immigration Appeals, Federal
4 District Courts, and the Ninth Circuit Court of Appeals. I have represented prevailing petitioners
5 before the Ninth Circuit Court of Appeals in the following published cases: *Flores Tejada v.*
6 *Godfrey*, 954 F.3d 1245 (9th Cir. 2020) (affirming permanent injunction providing bond hearings
7 for class of persons in withholding of removal proceedings after they have been detained for six
8 months); *Padilla v. ICE*, 953 F.3d 1134 (9th Cir. 2020) (affirming preliminary injunction
9 providing bond hearings to class of persons referred to immigration court after being found to
10 have a credible fear of persecution); *Lanuza v. Love*, 899 F.3d 1019 (9th Cir. 2018) (finding that
11 *Bivens* remedy extends to ICE attorney who fabricated documents to strip plaintiff of opportunity
12 for relief in removal proceedings); *Nguyen v. Sessions*, 901 F.3d 1093 (9th Cir. 2018) (reversing
13 agency position that admission to controlled substance abuse triggered the stop-time rule barring
14 relief for cancellation of removal); *Ramirez v. Brown*, 852 F.3d 954 (9th Cir. 2017) (Court of
15 Appeals affirmed district court order granting summary judgment on behalf of TPS holder who
16 was denied opportunity to apply for adjustment of status based on agency's failure to
17 acknowledge his inspection and admission as TPS holder); *Duran-Gonzales v. DHS*, 702 F.3d
18 504 (9th Cir. 2013) (Court of Appeals reversed its prior opinion, finding that class members
19 benefit from retroactivity test where agency changes rules pursuant to Supreme Court's decision
20 in *Brand X*); *Chay Ixcot v. Holder*, 646 F.3d 1202 (9th Cir. 2011) (vacating reinstatement order
21 as unlawful retroactive bar to asylum claim); *Lopez-Birrueta v. Holder*, 633 F.3d 1211 (9th Cir.
22 2011) (rejecting agency's restrictive interpretation of battery for purposes of establishing
23 eligibility for cancellation of removal for victims of domestic violence); *Cortez-Guillen v.*
24

1 *Holder*, 623 F.3d 933 (9th Cir. 2010) (holding that agency is bound by elements as laid out in
 2 plain language of statute with regards to the realistic probability test, and accordingly, Alaskan
 3 coercion statute does not categorically qualify as aggravated felony crime of violence);
 4 *Bromfield v. Mukasey*, 543 F.3d 1071 (9th Cir. 2008) (establishing a pattern and practice of
 5 persecution targeting gay men in Jamaica); *Mandujano-Real v. Mukasey*, 526 F.3d 585 (9th Cir.
 6 2008) (finding that petitioner's concession while unrepresented did not preclude him from
 7 challenging legal basis on appeal and further holding that ID theft conviction did not constitute
 8 aggravated felony theft conviction); *Suazo Perez v. Mukasey*, 512 F.3d 1222 (9th Cir. 2008)
 9 (finding that domestic violence statute in question did not categorically constitute a deportable
 10 offense); *Hosseini v. Gonzales*, 471 F.3d 953 (9th Cir. 2006) (granting relief under the
 11 Convention Against Torture to asylum applicant who had been charged as having being engaged
 12 in terrorist activities); *Hernandez-Guadarrama v. Ashcroft*, 394 F.3d 674 (9th Cir. 2005)
 13 (holding that the government could not rely on the statements made by witnesses where the
 14 government deported those witnesses); *Perez-Gonzalez v. Ashcroft*, 379 F.3d 783 (9th Cir.
 15 2004) (preventing government from reinstating prior deportation order where person had a
 16 pending application for residence along with the corresponding waiver); *Garcia-Lopez v.*
 17 *Ashcroft*, 334 F.3d 840 (9th Cir. 2003) (requiring DHS to afford full effect to modification of
 18 conviction from felony to misdemeanor); and *Castro-Cortez v. INS*, 239 F.3d 1037 (9th Cir.
 19 2001) (prohibiting retroactive application of reinstatement to persons who were deported prior to
 20 change in law).

21 4) I have litigated and presented arguments in federal district courts, including the
 22 Eastern and Western Districts of Washington, the Southern, Central and Northern Districts of
 23 California, the District of Montana, the Southern District of Florida, and the Eastern District of
 24

1 New York. In addition, I have successfully moved for class certification and been approved by
 2 federal courts as class counsel in twelve different class actions on behalf of persons bringing
 3 challenges under the Immigration and Nationality Act: *Moreno Galvez v. Cuccinelli*, No. C19-
 4 0321 RSL, 2019 WL 3219372 (W.D. Wash. July 17, 2019) (granting preliminary injunction for
 5 certified class of noncitizen youth seeking Special Immigrant Juvenile Status); *Padilla v. U.S.*
 6 *Immigration and Customs Enforcement*, No. C19-928 MJP, 2019 WL 1056466 (W.D. Wash.
 7 Mar. 6, 2016) (certifying nationwide classes of asylum seekers challenging delays in credible
 8 fear interviews and bond hearings, and seeking procedural protections in bond hearings); *Wagafe*
 9 *v. Trump*, No. C17-0094-RAJ, 2017 WL 2671254 (W.D. Wash. June 21, 2017) (certifying
 10 nationwide classes challenging application of CARRP to applicants for adjustment of status and
 11 naturalization); *Mendez Rojas v. Johnson*, No. C-16-1024-RSM, 2017 WL 1397749 (W.D.
 12 Wash. Jan. 10, 2017) (certifying nationwide classes of persons seeking asylum who were denied
 13 notice and opportunity to timely file applications); *Martinez Banos v. Asher*, No. C-16-1454-
 14 JLR-BAT, 2017 WL 9938446 (W.D. Wash. Dec. 11, 2017) (certification granted on behalf of
 15 class of detained persons in withholding only proceedings in the Western District of Washington
 16 facing prolonged detention without individual custody hearings); *F.L.B. v. Lynch*, No. C14-1026
 17 TSZ, 2016 WL 3458352 (W.D. Wash. June 24, 2016) (certification granted on behalf of circuit
 18 circuit-wide class of unrepresented children in removal proceedings); *Rivera v. Holder*, 307
 19 F.R.D. 539 (W.D. Wash. 2015) (granting class certification and summary judgment clarifying
 20 that Immigration Judges must consider whether to release immigration detainees on conditional
 21 parole as well as monetary bond); *Khoury v. Asher*, 3 F. Supp. 2d 877 (W.D. Wash. 2014) (class
 22 certification and declaratory relief granted on behalf of class, detained immigrants unlawfully
 23 subjected to mandatory detention); *A.B.T. v. USCIS*, No. C11-2108 RAJ, 2013 WL 5913323
 24

1 (W.D. Wash. 2013) (nation-wide challenge to asylum work authorization denials); *Franco-*
2 *Gonzalez v. Holder*, No. CV 10-02211 DMG (DTBx), 2011 WL 11705815 (C.D. Cal. Nov. 21,
3 2011) (granting class certification) and 2013 WL 8115423 (C.D. Cal. Apr. 23, 2013) (granting
4 permanent injunction ordering the government to provide free legal representation to immigrants
5 with serious mental disabilities); *Roshandel v. Chertoff*, 554 F. Supp. 2d 1194 (W.D. Wash.
6 2008) (successful class action on behalf of 450 naturalization applicants); and *Duran Gonzales v.*
7 *U.S. Dep’t. of Homeland Sec.*, 239 F.R.D. 620 (W.D. Wash. 2006) (certification granted for
8 circuit-wide class).

9 5) I was selected for the Washington State Bar Association’s 2016 Award of Merit,
10 WSBA’s highest honor. I have twice been awarded the American Immigration Lawyers
11 Association Jack Wasserman Memorial Award for excellence in litigation; most recently, in
12 2014 for my work on the litigation team in *Franco-Gonzalez v. Holder*, establishing the right to
13 appointed counsel for detained persons with serious mental disorders. I have also received the
14 2008 Access to Justice Leadership Award, from the Washington State Bar Access to Justice
15 Board, and the 2005 Washington State Chapter AILA Award for Most Significant Impact in Pro
16 Bono Litigation.

17 6) Neither the Northwest Immigrant Rights Project nor I are receiving reimbursement
18 from any individual plaintiff or class member in this case. Together with co-counsel, I will fairly
19 and adequately protect the interests of the individual plaintiffs and the certified class and possess
20 the commitment and resources to continue to prosecute the case as a class action.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th
22 day of July, 2020, in Seattle, Washington.

23 s/ Matt Adams
24 Matt Adams, WSBA No. 28287